

Executive Summary – Enforcement Matter – Case No. 51498
Chevron Phillips Chemical Company LP
RN103919817
Docket No. 2015-1664-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chevron Phillips Chemical Cedar Bayou Plant, 9500 IH-10 East, Exit 796, Baytown,
Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 11, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 28, 2015

Date(s) of NOE(s): October 13, 2015

Executive Summary – Enforcement Matter – Case No. 51498
Chevron Phillips Chemical Company LP
RN103919817
Docket No. 2015-1664-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,765.2 pounds of ethylene and 0.56 pound of nitrogen oxides from Fugitive Emission Point 130 and SYS-740 Flare, Emissions Point Numbers F-130 and 136, respectively, during an emissions event (Incident No. 215154) that occurred on June 2, 2015 and lasted 42 minutes. The emissions event occurred at the 1797 Normal Alpha Olefins Unit due to a significant gas leak when an improper gasket was installed in the sight glass assembly for the D-120-A Knockout Drum. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit Nos. 37063 and N178, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 10, 2015, the Respondent replaced the entire sight glass assembly for the D-120-A Knockout Drum to prevent a recurrence of emissions events due to the same cause as Incident No. 215154.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kingsley Coppinger, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6581; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Mitch Krutilek, Plant Manager, Chevron Phillips Chemical Company LP, 9500 IH-10 East, Exit 796, Baytown, Texas 77521

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	13-Oct-2015	Screening	4-Nov-2015	EPA Due	
	PCW	4-Nov-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN103919817		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51498	No. of Violations	1
Docket No.	2015-1664-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kingsley Coppinger
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$7,500
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Notes: Enhancement for five NOV's with same/similar violations, two NOV's with dissimilar violations, five orders containing a denial of liability, and two orders without a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$2
Estimated Cost of Compliance \$2,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,125
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,500
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Screening Date 4-Nov-2015

Docket No. 2015-1664-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 51498

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Compliance History Worksheet>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	6	-12%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 159%>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%>> **Compliance History Summary****Compliance History Notes**

Enhancement for five NOVs with same/similar violations, two NOVs with dissimilar violations, five orders containing a denial of liability, and two orders without a denial of liability. Reduction for eight notices of intent to conduct an audit and six disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 159%>> **Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 100%

Screening Date 4-Nov-2015

Docket No. 2015-1664-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 51498

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit Nos. 37063 and N178, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to prevent unauthorized emissions. Specifically, the Respondent released 6,765.2 pounds ("lbs") of ethylene and 0.56 lb of nitrogen oxides from Fugitive Emission Point 130 and SYS-740 Flare, Emissions Point Numbers F-130 and 136, respectively, during an emissions event (Incident No. 215154) that occurred on June 2, 2015 and lasted 42 minutes. The emissions event occurred at the 1797 Normal Alpha Olefins Unit due to a significant gas leak when an improper gasket was installed in the sight glass assembly for the D-120-A Knockout Drum. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective action on June 10, 2015, before the October 13, 2015 Notice of Enforcement.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP

Case ID No. 51498

Reg. Ent. Reference No. RN103919817

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	2-Jun-2015	10-Jun-2015	0.02	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to replace the entire sight glass assembly for the D-120-A Knockout Drum to prevent a recurrence of emissions events due to the same cause as Incident No. 215154. The date required is the date the emissions event occurred. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$2



Compliance History Report

PENDING Compliance History Report for CN600303614, RN103919817, Rating Year 2015 which includes Compliance (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600303614, Chevron Phillips Chemical Company LP	Classification:	SATISFACTORY	Rating:	4.96
Regulated Entity:	RN103919817, CHEVRON PHILLIPS CHEMICAL CEDAR BAYOU PLANT	Classification:	SATISFACTORY	Rating:	5.69
Complexity Points:	44	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	9500 INTERSTATE 10 E EXIT 796 BAYTOWN, TX, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD003913381
WASTEWATER PERMIT WQ0001006000
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1012335
AIR OPERATING PERMITS PERMIT 2113
AIR OPERATING PERMITS PERMIT 2115
AIR OPERATING PERMITS PERMIT 3247

WATER LICENSING LICENSE 1012335
AIR NEW SOURCE PERMITS REGISTRATION 75577
AIR NEW SOURCE PERMITS REGISTRATION 75545
AIR NEW SOURCE PERMITS AFS NUM 4820100018
AIR NEW SOURCE PERMITS PERMIT 6517A
AIR NEW SOURCE PERMITS PERMIT 2462C
AIR NEW SOURCE PERMITS REGISTRATION 24093
AIR NEW SOURCE PERMITS PERMIT 37063
AIR NEW SOURCE PERMITS REGISTRATION 40534
AIR NEW SOURCE PERMITS REGISTRATION 44005
AIR NEW SOURCE PERMITS PERMIT 46305
AIR NEW SOURCE PERMITS REGISTRATION 49322
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX748
AIR NEW SOURCE PERMITS REGISTRATION 71530
AIR NEW SOURCE PERMITS REGISTRATION 50758
AIR NEW SOURCE PERMITS REGISTRATION 52312
AIR NEW SOURCE PERMITS PERMIT 83791
AIR NEW SOURCE PERMITS REGISTRATION 96194
AIR NEW SOURCE PERMITS EPA PERMIT N148
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX9
AIR NEW SOURCE PERMITS REGISTRATION 136473
AIR NEW SOURCE PERMITS REGISTRATION 120563
AIR NEW SOURCE PERMITS REGISTRATION 120805
AIR NEW SOURCE PERMITS REGISTRATION 118637
AIR NEW SOURCE PERMITS REGISTRATION 134693
AIR NEW SOURCE PERMITS REGISTRATION 117149
AIR NEW SOURCE PERMITS REGISTRATION 132407
AIR NEW SOURCE PERMITS REGISTRATION 111069
AIR NEW SOURCE PERMITS REGISTRATION 111071
AIR NEW SOURCE PERMITS REGISTRATION 136150
AIR NEW SOURCE PERMITS REGISTRATION 105948
AIR NEW SOURCE PERMITS REGISTRATION 130487
AIR NEW SOURCE PERMITS EPA PERMIT N178

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30091
WASTEWATER EPA ID TX0003948
AIR OPERATING PERMITS ACCOUNT NUMBER HG0310V

AIR OPERATING PERMITS PERMIT 2114
AIR OPERATING PERMITS PERMIT 2370
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 28477
USED OIL ID NUMBER HOU00074
AIR NEW SOURCE PERMITS REGISTRATION 130912
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0310V
AIR NEW SOURCE PERMITS PERMIT 1504A
AIR NEW SOURCE PERMITS REGISTRATION 7403A
AIR NEW SOURCE PERMITS PERMIT 19027
AIR NEW SOURCE PERMITS REGISTRATION 32866
AIR NEW SOURCE PERMITS REGISTRATION 38590
AIR NEW SOURCE PERMITS REGISTRATION 41691
AIR NEW SOURCE PERMITS REGISTRATION 44759
AIR NEW SOURCE PERMITS REGISTRATION 48084
AIR NEW SOURCE PERMITS REGISTRATION 50325
AIR NEW SOURCE PERMITS REGISTRATION 71350
AIR NEW SOURCE PERMITS REGISTRATION 50757
AIR NEW SOURCE PERMITS REGISTRATION 50759
AIR NEW SOURCE PERMITS REGISTRATION 50370
AIR NEW SOURCE PERMITS REGISTRATION 95539
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX748M1
AIR NEW SOURCE PERMITS REGISTRATION 111073
AIR NEW SOURCE PERMITS REGISTRATION 121895
AIR NEW SOURCE PERMITS REGISTRATION 110925
AIR NEW SOURCE PERMITS REGISTRATION 131535
AIR NEW SOURCE PERMITS REGISTRATION 133247
AIR NEW SOURCE PERMITS PERMIT 135086
AIR NEW SOURCE PERMITS REGISTRATION 136457
AIR NEW SOURCE PERMITS REGISTRATION 123965
AIR NEW SOURCE PERMITS REGISTRATION 135932
AIR NEW SOURCE PERMITS REGISTRATION 134660
AIR NEW SOURCE PERMITS REGISTRATION 120630
AIR NEW SOURCE PERMITS REGISTRATION 131650
AIR NEW SOURCE PERMITS REGISTRATION 129179
AIR NEW SOURCE PERMITS REGISTRATION 135701
AIR NEW SOURCE PERMITS REGISTRATION 132981

AIR NEW SOURCE PERMITS REGISTRATION 131514
AIR NEW SOURCE PERMITS REGISTRATION 111072
AIR NEW SOURCE PERMITS REGISTRATION 116896
AIR NEW SOURCE PERMITS REGISTRATION 123110
AIR NEW SOURCE PERMITS REGISTRATION 114586
AIR NEW SOURCE PERMITS EPA PERMIT N224
STORMWATER PERMIT TXR05Q341
STORMWATER PERMIT TXR15WH70

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0310V
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
HOU00074

AIR NEW SOURCE PERMITS REGISTRATION 131542
AIR NEW SOURCE PERMITS REGISTRATION 114897
AIR NEW SOURCE PERMITS REGISTRATION 131970
AIR NEW SOURCE PERMITS REGISTRATION 126033
AIR NEW SOURCE PERMITS REGISTRATION 122707
AIR NEW SOURCE PERMITS REGISTRATION 131577
STORMWATER PERMIT TXR15TR91
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30091
POLLUTION PREVENTION PLANNING ID NUMBER
P00134

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: November 04, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 04, 2010 to November 04, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kingsley Coppinger

Phone: (512) 239-6581

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 **Effective Date:** 02/05/2011 **ADMINORDER** 2010-0607-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failure to maintain VOC, NOx, and CO emissions below the rolling 12 month limit for flare CB-701. (Category A8(c)(2)(C)(i) violation - HPV)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 16C PERMIT
 Description: Failure to maintain 95% uptime for NOx and CO CEMS for furnaces BA-101, BA-103, BA-104, BA-105, BA-106, BA-108, BA-109, BA-111, BA-112, and BA-113. (Category A12(i)(6) violation)
- 2 **Effective Date:** 03/07/2011 **ADMINORDER** 2010-1154-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: MAERT PERMIT
 Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to ensure proper lubrication of Compressor C-104 causing the compressor to shutdown and ultimately the unit.

- 3 Effective Date: 05/22/2011 ADMINORDER 2010-1845-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 1 PERMIT
- Description: Failed to prevent unauthorized emissions during an emissions event. Chevron Phillips failed to prevent condensate from building up in the steam lines and the emissions being sent to an un-lit flare.
- This violation was combined with violation track no. 413312.
- 4 Effective Date: 05/25/2012 ADMINORDER 2011-1807-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: SC 11(A) PERMIT
ST&C 1.A. OP
ST&C 17 OP
- Description: Failed to maintain a minimum net heating value of 300 Btu/scf on Flare CB-710 on August 27, 2009. (Category B.19.g.1 violation)
Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: GT&C OP
- Description: Failed to report two deviations in the semi-annual deviation report dated February 25, 2010 for the August 1, 2009 through January 31, 2010 reporting period. (Category B3 violation)
Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: SC 1 PERMIT
ST&C 17 OP
- Description: Failed to comply with the butadiene feedstock pump Unit ID No. 1592-72 hourly MAER for VOC (Category B.19.g.1 violation)
Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Also PSDTX748, SC 1 PERMIT
ST&C17 OP
- Description: Failed to comply with the Furnace Unit ID Nos. BA-105 and BA-110 MAER for carbon monoxide CO of 20.49 lb/hr. (Category B.19.g.1 violaiton)
- 5 Effective Date: 07/06/2012 ADMINORDER 2011-2293-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 9A PA

Special Terms & Conditions 6 OP

Description: Failed to install vent filters for hopper car loading in the PEU-1799 Unit, as documented during a record review conducted from September 22, 2011 through October 10, 2011. Specifically, the deviation report for the period from June 1, 2010 through November 30, 2010 showed that the vent filters were not installed as required.

- 6 Effective Date: 09/29/2012 ADMINORDER 2012-0455-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP, Special Terms and Conditions No. 8 OP
NSR, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222
- 7 Effective Date: 03/03/2013 ADMINORDER 2012-1607-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition No. 8 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to prevent the failure of the catalyst injection quill in Reactor 1. (Category A12(i)(6))

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 08, 2010	(871059)
Item 2	November 17, 2010	(888006)
Item 3	December 27, 2010	(896208)
Item 4	January 17, 2011	(902279)
Item 5	January 26, 2011	(878113)
Item 6	February 17, 2011	(909053)
Item 7	March 01, 2011	(900922)
Item 8	March 07, 2011	(887798)
Item 9	March 21, 2011	(916317)
Item 10	March 30, 2011	(900039)
Item 11	April 14, 2011	(924758)
Item 12	April 18, 2011	(912758)
Item 13	May 16, 2011	(906101)
Item 14	May 23, 2011	(937997)
Item 15	June 20, 2011	(945321)
Item 16	July 19, 2011	(952595)
Item 17	August 12, 2011	(959277)
Item 18	August 22, 2011	(934143)
Item 19	September 19, 2011	(936665)
Item 20	October 20, 2011	(971349)
Item 21	November 09, 2011	(965084)
Item 22	November 19, 2011	(977509)
Item 23	December 09, 2011	(984275)
Item 24	January 20, 2012	(990577)
Item 25	February 15, 2012	(987401)
Item 26	March 01, 2012	(988308)
Item 27	March 20, 2012	(1003461)
Item 28	April 20, 2012	(1010025)

Item 29	May 16, 2012	(1003084)
Item 30	May 18, 2012	(1016420)
Item 31	June 19, 2012	(1024140)
Item 32	July 03, 2012	(1009776)
Item 33	July 10, 2012	(1015882)
Item 34	July 18, 2012	(1031536)
Item 35	August 09, 2012	(1021266)
Item 36	August 16, 2012	(1037912)
Item 37	August 23, 2012	(1028218)
Item 38	September 19, 2012	(1046639)
Item 39	October 18, 2012	(1060781)
Item 40	October 23, 2012	(1029223)
Item 41	November 19, 2012	(1060782)
Item 42	November 20, 2012	(1078909)
Item 43	December 05, 2012	(1042119)
Item 44	February 18, 2013	(1078908)
Item 45	February 25, 2013	(1055550)
Item 46	February 27, 2013	(1057070)
Item 47	March 01, 2013	(1057758)
Item 48	March 18, 2013	(1089278)
Item 49	April 17, 2013	(1095672)
Item 50	May 02, 2013	(1060478)
Item 51	May 20, 2013	(1106597)
Item 52	May 28, 2013	(1093609)
Item 53	May 31, 2013	(1094754)
Item 54	June 12, 2013	(1078477)
Item 55	June 17, 2013	(1093519)
Item 56	July 17, 2013	(1117156)
Item 57	July 29, 2013	(1098697)
Item 58	August 19, 2013	(1124912)
Item 59	September 17, 2013	(1129513)
Item 60	October 09, 2013	(1121714)
Item 61	October 17, 2013	(1135243)
Item 62	December 17, 2013	(1147100)
Item 63	January 17, 2014	(1153170)
Item 64	February 18, 2014	(1160505)
Item 65	March 19, 2014	(1167150)
Item 66	April 16, 2014	(1174283)
Item 67	May 15, 2014	(1180471)
Item 68	May 21, 2014	(1159078)
Item 69	June 16, 2014	(1153062)
Item 70	June 17, 2014	(1187369)
Item 71	June 23, 2014	(1153053)
Item 72	July 17, 2014	(1198487)
Item 73	August 20, 2014	(1198488)
Item 74	September 18, 2014	(1205774)
Item 75	October 17, 2014	(1212186)
Item 76	November 18, 2014	(1218438)
Item 77	December 05, 2014	(1205349)
Item 78	December 18, 2014	(1224217)
Item 79	January 15, 2015	(1230744)
Item 80	February 16, 2015	(1242254)
Item 81	February 19, 2015	(1227176)
Item 82	March 10, 2015	(1248583)
Item 83	April 13, 2015	(1193431)
Item 84	April 20, 2015	(1255483)
Item 85	June 19, 2015	(1246736)
Item 86	July 16, 2015	(1276908)
Item 87	August 19, 2015	(1283085)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/17/2014 (1193359) CN600303614
 Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
- Description: Failure to maintain complete and up-to-date records for engines: P-1576, P-95A, P-95B, and P-142. Category C3
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(7)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
- Description: Failure to maintain car seal change records for distillation Unit IDs: GRPDIST97, GRPDIST97F, and GRPDIST97H.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 17 OP
 FOP Special Term & Condition 1A OP
 NSR Special Condition 5C PERMIT
- Description: Failure to keep the pilot flame lit for flares Z-251 [EPN: 129] and SYS-740 [EPN: 136]. Category C4
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 17 OP
 NSR Special Condition 1 PERMIT
- Description: Failure to prevent exceedance of NOx and CO limits for Flare SYS-740 [EPN: 136].
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
- Description: Failure to prevent operation of engines between 6 a.m. and noon for engines P-95A, P-95B, and P-1576.
- 2 Date: 01/27/2015 (1193136) CN600303614
 Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1A & 16 OP
- Description: failure to prevent an opacity event on December 26, 2013 from Flare CB-701 (EPN 1592-16) for a total of eight minutes. (Category C4 Violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 21 PERMIT
 STC 1A & 16 OP
- Description: Failure to maintain daily conductivity testing records of Cooling Tower EF-751 (EPN 1592-41) on August 6, 2013. (Category C3 Violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to collect a manual sample when the CB 701 Flare analyzer was out of service for more than eight hours on January 28, 2014. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
STC 1A & 16 OP

Description: Failure to meet the NOx emission limits of Furnace BA-117 (EPN 1592-38) on February 10, 2014. (Category B19 (g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
STC 1A & 16 OP

Description: Failure to meet the CO emission limits of Furnace BA-113 (EPN 1592-07) on February 20, 2014 and Furnace BA-111 (EPN 1592-06A) on July 4, 2014. (Category B19 (g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
STC 1A & 16 OP

Description: Failure to meet the NH3 emission limits of Furnace BA-102 (EPN 1592-01B) on April 22, 2014. (Category B19 (g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure of the fuel flow meter Flowmeter (FI-4112) during the operation of Process Heater BA-401 (EPN 1592-13) on February 5, 2014. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Chevron operated the emergency diesel engine the (EPN GA-809) before noon on July 12, 2014. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14B PERMIT
STC No. 1A and 16 OP

Description: Failure to conduct the 4th Qtr.2013 CGA on BA-113 Furnace CEMS analyzer (A/1104-13). (Category B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10A PERMIT
STC No. 1A and 16 OP

Description: Failure of the CB-701 Flare (EPN 1592-16) to meet the net heating value above 300 British thermal units per square cubic feet (Btu/scf) on June 5, 2014. (Category B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
STC No. 1A OP

Description: Failure to include deviations in the deviation report .This includes the failure to perform the 4th Qtr. 2013 CGA on BA-113; failure of the CB-701 Flare (EPN 1592-) to maintain the net heating value above 300 Btu/scf; the failure to report the inaccuracy of the BA-117 CEMS Analyzer-A/1104-17 during the 1st Qtr. 2014 CGA test. (Category B3 Violation)

- 3 Date: 02/03/2015 (1211349) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8 PERMIT
Special Terms and Condition 15 OP
Special Terms and Condition 1A OP
Description: Failure to maintain filter sock F1801 free of tears. (Category C4)
- 4 Date: 02/27/2015 (1211123) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition No. 3 PERMIT
Special Terms and Conditions No. 16 OP
Special Terms and Conditions No. 1A OP
Description: Did not operate Flare X-901 with a flame present at all times.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1A OP
Description: Failure to comply with operating restrictions for stationary diesel engines for testing or maintenance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 14E PERMIT
Special Terms and Conditions No. 16 OP
Special Terms and Conditions No. 1A OP
Description: Failure to ensure that each open-ended line is equipped with a cap, blind flange, plug, or second valve.
- 5 Date: 04/30/2015 (1262193) CN600303614
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 05/12/2015 (1229820) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the Demonstration Criteria for an affirmative defense for the unauthorized emissions during an emissions event. [Subcategory B13]
- 7 Date: 05/31/2015 (1269362) CN600303614
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 11/23/2010 (894468)
Disclosure Date: 05/20/2011
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2460

Description: Failure to identify vent as MON applicable. Grab sampling for the Train 2 inlet process stream to the H-549 incinerator indicated that the stream is a MON group 1 continuous process vent. This vent has not been identified as MON applicable. This stream has previously been evaluated for only NSPS DDD and 30TAC115 applicability.

2) Could not locate documentation for evaluating atmospheric process vent streams for MON applicability. These streams have previously been evaluated for only NSPS DDD

Viol. Classification: Major

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDD 63.1185
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2490

Description: Failure to recognize leak in economized heat exchanger. During stack testing of the incinerator H-549, the economizer heat exchange was observed to be leaking. Test was discontinued. The initial indication showed

that the reduction of total organic HAP was less than 98% and the exhaust stream was greater than 20 ppmv.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT 19027

Description: Failure to provide correct calculation of flowrate. Sample results from a stack testing vendor showed that the CEMS analyzer for incinerator H-549 was not working properly and the flow rate calculation basis was not accurate.

Notice of Intent Date: 03/28/2011 (922120)

Disclosure Date: 08/08/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)

Description: Failure to prevent a leak and ensure proper maintenance of the oil/water separator.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Part 60, Subpart VV 60.482-6

Rqmt Prov: PERMIT S.C. 11

Description: An open-ended line was found on PV-4233 on E-408 in the 1797 unit using the IR camera.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Part 60, Subpart VV 60.482-8

Rqmt Prov: PERMIT S.C. 11

PERMIT S.C. 18

PERMIT S.C. 19

Description: Follow-up monitoring to confirm successful repair was not completed within 15 days as required for four LDAR leaks found during the IR camera scan.

Notice of Intent Date: 11/30/2011 (984003)

Disclosure Date: 10/11/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)
30 TAC Chapter 122, SubChapter B 122.142(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP O2113

OP FOP O2114

OP FOP O2115

OP FOP O2370

OP FOP O3247

Description: Failure to follow all of the current applicable regulatory requirements for all engines in the Federal Operating Permits (FOPs).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.354
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 1504A
PERMIT 19027
PERMIT 2462C
PERMIT 37063
PERMIT 46305
PERMIT 46783
PERMIT 6517A

Description: Failure to update and include all of the engines currently on site in the NOx Final Control Plan.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.345(f)

Rqmt Prov: PERMIT 1504A
PERMIT 19027
PERMIT 2462C
PERMIT 37063

PERMIT 46305
PERMIT 46783
PERMIT 6517A

Description: Failure to provide up-to-date records for all engines to demonstrate compliance with the applicable recordkeeping requirements including, but not limited to, the start and end times of operation for all testing and maintenance performed on the engine.

Viol. Classification: Major

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4211(f)

Rqmt Prov: PERMIT 1504A

Description: Failure to provide complete records for engines GE-930, GA-809, and EG-101 to demonstrate compliance with the requirement for operating and maintaining the engine per manufacturer's instructions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310
30 TAC Chapter 117, SubChapter B 117.335(a)
30 TAC Chapter 117, SubChapter B 117.340

Description: Failed to fully implement the requirements of 30 TAC 117, Subchapter B, Division 3 following the installation of a new replacement engine for GA-809.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)

Rqmt Prov: PERMIT 1504A

Description: Failure to provide complete records of monthly fuel usage for engines GA-912B, GA-912C, GA-920A, and GA-920B to demonstrate compliance with the fuel flow monitoring requirements of 30 TAC 117.

Notice of Intent Date: 02/06/2012 (997406)
No DOV Associated

Notice of Intent Date: 02/08/2013 (1060524)

Disclosure Date: 08/26/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 117, SubChapter B 117.335(a)(2)
30 TAC Chapter 117, SubChapter B 117.340(d)
30 TAC Chapter 117, SubChapter G 117.8130(1)

Rqmt Prov: PERMIT Special Conditions 3 and 6

Description: The factors used to calculate the ammonia emissions established in the initial compliance test were based on a different ammonia concentration than the concentration currently being delivered from the aqueous ammonia vendor. In addition, the ammonia specific gravity instrument being used to obtain the continuous concentration reading and used in the ammonia slip calculation was found to be inaccurate and does not correlate to the aqueous ammonia certificate of analysis from the vendor.

Notice of Intent Date: 11/08/2013 (1133112)

Disclosure Date: 06/27/2014

Viol. Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: The facility did not always ensure that containers utilized to accumulate used oil were labeled in accordance

with regulatory requirements.

Notice of Intent Date: 08/29/2014 (1195737)

Disclosure Date: 01/13/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
30 TAC Chapter 115, SubChapter H 115.726(i)

Description: Failure to make the switch from the low flow meter to the high flow meter for purposes of calculating emissions from the flare. Flare Z-1101: Due to the removal of an alarm in the emissions monitoring and calculating system, the switch from the low flow meter to the high flow meter was not made for purposes of calculating emissions from the flare.

Notice of Intent Date: 05/14/2015 (1254215)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN103919817

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER
DOCKET NO. 2015-1664-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 9500 Interstate Highway 10 East Exit 796 in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 18, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Five

Hundred Dollars (\$10,500) of the administrative penalty and Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on June 10, 2015, the Respondent replaced the entire sight glass assembly for the D-120-A Knockout Drum to prevent a recurrence of emissions events due to the same cause as Incident No. 215154.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit Nos. 37063 and N178, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 28, 2015. Specifically, the Respondent released 6,765.2 pounds ("lbs") of ethylene and 0.56 lb of nitrogen oxides from Fugitive Emission Point 130 and SYS-740 Flare, Emissions Point Numbers F-130 and 136, respectively, during an emissions event (Incident No. 215154) that occurred on June 2, 2015 and lasted 42 minutes. The emissions event occurred at the 1797 Normal Alpha Olefins Unit due to a significant gas leak when an improper gasket was installed in the sight glass assembly for the D-120-A Knockout Drum. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2015-1664-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

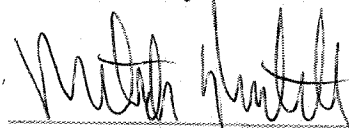
5/26/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

2/11/2016
Date

Mitch Krutilek
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.